

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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THOMAS M. MOROUGHAN,

Docket # 12 CV 512
(JFB) (AKT)

Plaintiff,

-against-

THE COUNTY OF SUFFOLK, SUFFOLK COUNTY
POLICE DEPARTMENT, SUFFOLK DETECTIVES
RONALD TAVARES, CHARLES LESER, EUGENE
GEISSINGER, NICHOLAS FAVATTA, and ALFRED
CICCOTTO, DETECTIVE/SGT. WILLIAM J. LAMB,
SGT. JACK SMITHERS, SUFFOLK POLICE
OFFICERS WILLIAM MEANEY, and JESUS FAYA and
SUFFOLK JOHN DOES 1-10, THE COUNTY OF
NASSAU, NASSAU COUNTY POLICE
DEPARTMENT, SGT. TIMOTHY MARINACI,
DEPUTY CHIEF OF PATROL JOHN HUNTER,
INSPECTOR EDMUND HORACE, COMMANDING
OFFICER DANIEL FLANAGAN, DETECTIVE/SGT.
JOHN DeMARTINIS, NASSAU POLICE OFFICERS
ANTHONY D. DILEONARDO, POLICE OFFICER
EDWARD BIENZ and JOHN DOES 11-20,

NOTICE OF MOTION

Defendants.
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PLEASE TAKE NOTICE, that upon the pleadings served in this action, the Declaration of Christopher Delamere Clarke, and all the exhibits annexed thereto; the Declaration of Defendants Sgt. Timothy Marinaci, Inspector Edmund Horace, Commanding Officer Daniel Flanagan, Detective/Sgt. John DeMartinis, and Police Officer Edward Beinz, the Memorandum of Law, the Reply Affirmation; and the Statement of Material Facts pursuant to Local Civil Rule 56.1; Defendants the County of Nassau, the Nassau County Police Department, Sgt. Timothy Marinaci, Inspector Edmund Horace, Commanding Officer Daniel Flanagan, Detective/Sgt. John DeMartinis, and Police Officer Edward Beinz ("the Nassau Defendants") will move this Court at the United States Courthouse for the Eastern District of New York, located at 100 Federal Plaza,

Central Islip, New York 11722 as soon as counsel may be heard, for an Order, pursuant to Federal Rule of Civil Procedure 56, granting summary judgment in favor of the Nassau Defendants, on the grounds that there are no genuine issues of material fact to be tried, and dismissing the Plaintiff's Second Amended Complaint against the Nassau Defendants in its entirety, dismissing the co-defendant Anthony DiLeonardo's Cross-Claims against the Nassau Defendants in their entirety, and dismissing the co-defendants the County of Suffolk, the Suffolk County Police Department, Detective Ronald Tavares, Detective Charles Leser, Detective Eugene Geissinger, Detective Nicholas Favatta, Detective Alfred Ciccotto, Detective/Sgt. William J. Lamb, Sgt. Jack Smithers, Police Officer William Meaney, and Police Officer Jesus Faya's Cross-Claim in its entirety, with prejudice, and for such other relief as the Court deems just and proper.

Dated: New York, New York
July 11, 2019

Yours, etc.,

LEAHEY & JOHNSON, P.C.
Attorneys for Defendants
THE COUNTY OF NASSAU, NASSAU
COUNTY POLICE DEPARTMENT, SGT.
TIMOTHY MARINACI, INSPECTOR EDMUND
HORACE, COMMANDING OFFICER DANIEL
FLANAGAN, DETECTIVE SGT. JOHN
DEMARTINIS AND POLICE OFFICER
EDWARD BIENZ
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BY: Christopher Delamere Clarke
CHRISTOPHER DELAMERE CLARKE

To all parties and the Court via ECF